

# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## ☞ Appendix A

### LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for

2011 LRB-3272 (For: Rep. Krug)

has been transferred to the drafting file for

**2013 LRB-1918** (For: Rep. Krug)



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 03/18/2013 (Per: MDK)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

## 2011 DRAFTING REQUEST

### Bill

Received: 10/19/2011

Received By: **mkunkel**

Wanted: As time permits

Companion to LRB:

For: **Scott Krug (608) 266-0215**

By/Representing: **Jenifer Malcore**

May Contact:

Drafter: **mkunkel**

Subject: **Trade Regulation - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krug@legis.wi.gov**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

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#### Topic:

Installation of adaptive driving equipment

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#### Instructions:

See attached

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#### Drafting History:

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /?           |                       |                        |                        | _____          |                       |                 | State           |
| /P1          | mkunkel<br>10/20/2011 | kfollett<br>11/16/2011 | jfrantze<br>11/16/2011 | _____          | ggodwin<br>11/16/2011 |                 | State           |
| /1           | mkunkel<br>01/03/2012 | jdye<br>01/09/2012     | jmurphy<br>01/09/2012  | _____          | ggodwin<br>01/09/2012 |                 |                 |

FE Sent For:

<END>

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Installation of adaptive driving equipment

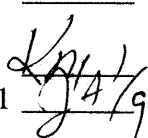
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### Instructions:

See attached

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| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u>  | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|---|-----------------------|-----------------|-----------------|
| /?           |                       | 1/9 JLD                | Jm<br>4/9/12           |   |                       |                 | State           |
| /P1          | mkunkel<br>10/20/2011 | kfollett<br>11/16/2011 | jfrantze<br>11/16/2011 |  | ggodwin<br>11/16/2011 |                 |                 |

FE Sent For:

<END>

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Installation of adaptive driving equipment

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/?          | mkunkel        | 1P/16<br>11/16  | f            | 11/16          |                  |                 |                 |

FE Sent For:

<END>

# Bill Request Form

## Legislative Reference Bureau

One East Main Street, Suite 200

Legal Section 266-3561

*You may use this form or talk directly with the LRB attorney who will draft the bill.*

Date

9/8/11

Legislator, agency, or other person requesting this draft

Representative Krug

Person submitting request (name and phone number)

Persons to contact for questions about this draft (names and phone numbers)

Scott Krug / Jennifer Maleore 60215

Describe the problem, including any helpful examples. How do you want to solve the problem?

See attached

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2010 LRB-2345/1 or 2009 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES ☒ NO

If yes:

Anyone who asks?

YES NO

Any legislator?

YES NO

Only the following persons

Do you consider this request urgent?

YES

☒ NO

Should we give this request priority over any pending request of this legislator, agency, or person?

YES

☒ NO

Overview: When a person receives adaptive equipment, it is common for them to have received a referral, evaluation, and instruction from a properly trained health professional. This frequently does not occur, however, when a person with a disability is seeking to have a vehicle adapted to permit them to drive.

As a result, car salespeople and others are inappropriately prescribing and installing adaptive driving equipment. Furthermore, often the person with the disability is not offered training or instruction in how to properly and safely use the adapted vehicle.

Bill Draft: In conjunction with the Wisconsin Occupational Therapy Association, I would like to draft a bill which does the following:

- Require a physician referral and either an OT or PT evaluation before any person can alter the OEM (original equipment from manufacture) while adapting that vehicle for a driver with a disability;
- To be able to evaluate and train consumers in the use of adaptive driving equipment, a person must:
  - be a properly licensed OT or PT, and;
  - be a licensed driving instructor (LDI), and;
  - be a driving rehabilitation specialist (DRS) or a certified driving rehabilitation specialist (CDRS).

OR

- work in a health care related field under the direction of a physician, PT, or OT and;
  - be a LDI and;
  - be a DRS or CDRS
- Permits a Certified Occupational Therapy Assistant (COTA) or Physical Therapist Assistant (PTA) to complete behind the wheel training, re-evaluations, and discharge visits.
- Consumers must be evaluated in a vehicle that possesses the mechanical or high-tech equipment that is similar to what is being recommended.

username

password

log

sea

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## Certification

About

A - Driver Rehabilitation Specialist Certification Exam - fact sheet

B - CDRS Exam Study Guide

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2011 Certification Handbook is available for download here: Certification Handbook. The 2012 exam handbook will be published early 2012.

**NEXT CERTIFICATION DATE:** July 31, 2012--Kansas City MO

A

### Driver Rehabilitation Specialist Certification Exam (CDRS)

#### 1. Definition of a Driver Rehabilitation Specialist

The term Driver Rehabilitation Specialist (DRS) signifies one who 'plans, develops, coordinates and implements driver rehabilitation services for individuals with disabilities.'

#### 2. Objectives of Certification

The purpose of the certification process is to protect the public by:

- A. providing measurement of a standard of current knowledge desirable for individuals practicing driver rehabilitation;
- B. encouraging individual growth and study, thereby promoting professionalism among driver rehabilitation specialists;
- C. formally recognizing driver rehabilitation specialists who fulfill the requirement for certification.

#### 3. Eligibility

Candidates may take the certification examination if they meet the education and/or experience requirements listed below.

- A. An undergraduate degree or higher in a health related\*\* area of study with 1 year full time experience in degree area of study and an additional 1 year full time experience in the field of Driver Rehabilitation.\*
- B. Four year undergraduate degree\*\*\* or higher with a major or minor in Traffic Safety and/or a Driver and Traffic Safety Endorsement with 1 year full time experience in Traffic Safety and an additional 2 years of full time experience in the field of Driver Rehabilitation.\*
- C. Two year degree in a health related\*\* area of study with 1 year experience in degree area of study and an additional 3 years full time experience in the field of Driver Rehabilitation.\*
- D. Five years of full time work experience in the field of Driver Rehabilitation.\*

Full time means for ADED purpose 32 hours per week.

\* In the field of Driver Rehabilitation means for ADED purpose: Direct hands-on delivery of clinical (pre-driving evaluations) and/or behind the wheel evaluations and training with the client.

\*\* Health related degree means for ADED purpose: Occupational Therapy, Physical Therapy, Kinesthetic Therapy, Speech Therapy, Therapeutic Recreational Therapy, or other areas as approved by the Certification Committee.

\*\*\* Undergraduate degree areas of study means for ADED purpose: Social Work, Vocational Rehabilitation, Health and Physical Education, Counseling, Psychology, or other areas as approved by the Certification Committee.

#### 4. Fees

The Application Processing Fee is non-refundable. The Examination Fee is refundable if the applicant does not meet the criteria.

Application Processing Fee \$50.00  
Examination Fee \$400.00  
Total Fees \$450

#### 5. Length of Certification

Certification is effective for 3 years beginning the 1st of January AFTER the successful completion of the examination, and ending on December 31st of the 3rd year.

#### 6. Test Site

The certification examination is administered in conjunction with the ADED annual conference.

#### Re-Certification

In order to maintain the certification, successful candidates will be required to accumulate continuing education credits (points). A point system which assigns a specific number of points to each of a wide variety of professional activities has been established for this purpose. Applicants who are successful in passing the certification examination will receive a detailed description of the process and the activities which will be accepted toward this goal.

Application for CDRS Exam: Application is available on the website.

All current ADED members who are not certified will be notified by mail of the upcoming testing date, deadline for application and instructions on where to download the handbook. The handbook will also be available upon request for mailing. Please contact (877) 529-1830 for more information.

B

#### CDRS EXAM

##### Study Guide

##### Resource List for CDRS Exam

*Disclaimer: Attending and/or reviewing these materials does not ensure a passing score on the certification exam.*

**ADED Courses: (will be offered prior to Annual Conference ). Contact ADED office for other potential dates.**

Traffic Safety and Driver Education for the Driver Rehabilitation Specialist

Disabilities, Vision, Aging and their Relationship to Driving

Application of Vehicle Modifications

##### Driver Rehabilitation Books available through AOTA ([www.aota.org](http://www.aota.org)):

Driver Rehabilitation Across Age and Disability: An Occupational Therapy Guide by Sue Redepenning, OTR/L, CDRS- ISBN # 1-56900-214-2

Driver Rehabilitation and Community Mobility: Principles and Practice, edited by Joseph Pellerito, Jr. MS, OTR- ISBN #: 0-32302-937-X

Driver Rehabilitation: A Guide for Assessment and Intervention, by Wendy Stav-

ISBN# 0-76164-125-4

##### AOTA Continuing Education/Online Courses (available through [www.aota.org](http://www.aota.org)):

Driving and Community Mobility for Older Adults: Occupational Therapy Roles, by Susan Pierce OTR, CDRS and Linda Hunt PhD, OTR/L

##### AOTA Workshop:

Occupational Therapy and the Older Driver: Addressing the IADL of Community Mobility and Driving

##### Other Driver Rehabilitation Books/Manuals:

Disabilities and their Implications for Driver Assessment and Training, Mike Shipp M.Ed., CDRSLouisianaTech University

Physical Disabilities and Driving: Potential Problems and Solutions, Mike Shipp M.Ed., CDRSLouisianaTech University

The following resources are available through the NHTSA website ([www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)):



"Safe Mobility for a Maturing Society: Challenges and Opportunities" US Department of Transportation Nov. 2003

"Intersection Negotiation Problems of Older Drivers" Volume I and II: Technical Report

"Model Driver Screening and Evaluation Program" Final Technical Report Volume I and II

"Medical Conditions and Driving: A Review of the Literature" (1960 - 2000)

Physicians Guide to Assessing and Counseling Older Drivers - Can be obtained through NHTSA websites <http://www.nhtsa.dot.gov>

#### **Adaptive Mobility Services Courses:**

Driver Education for the Disabled

1000 Delaney Avenue  
Orlando, FL  
32806-1228

Phone: (407) 426-8020  
Fax: (407) 426-8690

#### **Driver Education Books:**

AAA How to Drive, 12th Edition, 2001.

AAA Traffic Safety, 1000 AAA Drive Heathrow, FL.

Drive Right A Responsible Approach, 9 Edition (January 1993), Scott, Foresman and Company, Glenview, IL.

Responsible Driving, Glenco McGraw-Hill; Copyright 2000, AAA

License to Drive, (Copyright 2000) by Alliance for Safe Driving Delmar Publishers 3 Circle; Albany, NY  
12212-5015

#### **For further information contact:**

ADED / CDRS  
2425 N. Center St. #369  
Hickory, North Carolina 28601

(828) 855-1623  
(866) 672-9466 US & Canada  
Fax: (828) 855-1672

[webmaster@driver-ed.org](mailto:webmaster@driver-ed.org)

Like

73 people like this. Be the first of your friends.

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The Association for Driver Rehabilitation Specialists · 2425 N. Center St. #369, Hickory NC 28601  
Phone: 866.672.9466 · Fax: 828.855.1672  
Email: [info@driver-ed.org](mailto:info@driver-ed.org)



# ADED

The Association for Driver Rehabilitation Specialists

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## Driving and Amputation

After a limb amputation, a person is sometimes unable to drive an automobile in the normal manner. There are, however, several types of adaptive devices that can allow an individual with an amputation to safely resume driving. The site of amputation(s) will determine the degree of difficulty an amputee will have with driving a standard equipped vehicle. In most cases, the adapted equipment will involve compensation for the inability to reach and operate primary and secondary driving controls. For example amputations may occur at:

### RIGHT LEG:

- ✚ Left Foot Gas Pedal or Hand Controls
- ✚ Automatic Transmission
- ✚ Power Braking

### BOTH LEGS:

- ✚ Hand Controls for brake and accelerator
- ✚ Spinner Knob
- ✚ Automatic Transmission
- ✚ Emergency Brake Extension
- ✚ Chest Strap

### EITHER ARM:

- ✚ Automatic Transmission
- ✚ Steering Device
- ✚ Reduced Effort Steering
- ✚ Modified Gear Shifter
- ✚ Modified Secondary Controls (turn signals, dimmers)

### TRIPLE OR QUADRUPLE LIMBS:

- ✚ Additional modifications can be made to car or van
- ✚ Reduced effort steering system
- ✚ Servo Brake and Accelerator Control
- ✚ Joystick Driving Systems

Adaptive equipment and vehicle modifications are available for some vehicles, although all vehicles are not suitable for modifications. A driver rehabilitation specialist can assist in making the correct vehicle choice, and then provide a comprehensive evaluation to determine a person's ability to drive. Adequate training is required for any adaptive equipment for a successful outcome.

---

To locate the driver rehabilitation specialist in your area contact:

The Association for Driver Rehabilitation Specialists  
2425 N. Center ST #369  
Hickory, North Carolina 28601  
[www.aded.net](http://www.aded.net) - (828)855-1623, (866)672-9466 Toll Free in the US & Canada



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3272/P1  
MDK...

O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN  
10-20

Gen

- 1 AN ACT ...; relating to: motor vehicle adaptive equipment for drivers with  
2 physical disabilities and granting rule-making authority.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 SECTION 1. 100.204 of the statutes is created to read:

want x \*\*\*\*NOTE: By including the draft's requirements in ch. 100, DATCP will have authority to enforce the draft. Is that okay, or do you want another agency to enforce the draft? Also, under s. 100.26(1), a person who violates the draft's requirements is subject to a criminal fine not to exceed \$200 or imprisonment of not more than 6 months, or both. Is that okay, or do you want to create different penalties, such as, for example, a civil forfeiture instead of a criminal fine?

- 4 100.204 Motor vehicle adaptive equipment. (1) DEFINITIONS. In this  
5 section:

1 (a) "Adaptive equipment" means equipment that allows an individual with a  
2 physical disability to safely operate a motor vehicle.

3 (b) "Driver rehabilitation specialist" means an individual who, as specified in  
4 rules promulgated by the department, is qualified to plan, develop, coordinate, and  
5 implement driver rehabilitation services for individuals with physical disabilities.  
6 The rules promulgated under this paragraph shall allow an individual with an  
7 unexpired driver rehabilitation specialist certification issued by the Association for  
8 Driver Rehabilitation Specialists, or a successor organization, to be considered a  
9 driver rehabilitation specialist.

\*\*\*\*NOTE: The above requires DATCP to promulgate rules on who is qualified to be  
a driver rehabilitation specialist. The rules must allow an individual certified as such by  
the Association for Driver Rehabilitation Specialists to qualify. Also, the above gives  
DATCP the discretion to specify other individuals who are qualified. Is that okay?

10 (c) "Qualified instructor" has the meaning given in s. 343.07 (1c).

\*\*\*\*NOTE: Section 343.07 (1c) defines "qualified instructor" as "a person employed  
by a public school, private school, or tribal school, as defined in s. 115.001 (15m), holding  
an operator's license and meeting the teaching certification standards of the department  
of public instruction or the technical college system board to teach driver education; or  
an instructor of a school licensed under s. 343.61; or a teacher or student teacher in a  
driver education course for teachers conducted by an institution of higher education." Is  
that okay, or do you want the bill to refer only to a licensed driving instructor employed  
by a school licensed under s. 343.61? If so, the above should be revised to refer instead  
to an instructor licensed under s. 343.62.

11 (2) INSTALLATION OF ADAPTIVE EQUIPMENT. No person may install adaptive  
12 equipment in a motor vehicle in a manner that alters any original part or equipment  
13 in the motor vehicle as sold by the manufacturer unless the individual with a  
14 physical disability for whom the adaptive equipment is installed provides the person  
15 with all of the following:

16 (a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the  
17 individual's use of adaptive equipment.

\*\*\*\*NOTE: The above requires a physician to make a referral to the person who  
installs the adaptive equipment. Is that okay, or should the physician instead make the  
referral to the occupational or physical therapist who does the required evaluation? Also,

the above provides that the referral "authorizes" an individual's use of adaptive equipment. Is that okay, or is there a better way to describe what the referral is supposed to do?

✓  
\*\*\*\*NOTE: Section 448.01 (5) defines "physician" as "an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board."

1 (b) Written documentation that an occupational therapist or physical  
2 therapist, licensed under ch. 448, has recommended the adaptive equipment for the  
3 individual based on the therapist's evaluation of the individual's operation of a motor  
4 vehicle using mechanical, electronic, or computer equipment that is similar to the  
5 adaptive equipment that is recommended.

\*\*\*\*NOTE: The instructions refer to "high-tech" equipment. The above refers instead to electronic or computer equipment. Is that okay?

\*\*\*\*NOTE: The above requires an evaluation to be based on operation of a motor vehicle. Is that okay, or do you want to also allow an evaluation to be based on a driving simulator?

6 (3) ADAPTIVE EQUIPMENT TRAINING. No individual may provide an evaluation or  
7 training on the use of adaptive equipment unless the individual is a qualified  
8 instructor and a driver rehabilitation specialist and the individual satisfies one of  
9 the following:

10 (a) The individual is licensed as an occupational or physical therapist under ch.  
11 448.

12 (b) The individual works in health care under the direction of a physician,  
13 occupational therapist, or physical therapist, licensed under ch. 448.

\*\*\*\*NOTE: The instructions also provide that the bill would permit a certified occupational therapy assistant or a physical therapy assistant to complete behind the wheel training, re-evaluations, and discharge visits. Is that accomplished under par. (b) above, or do you have something else in mind?

14 (END)

you

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3272/P1dn

MDK...

kf

Date

Rep. Krug:

I have included NOTES in this preliminary draft with questions about your intent. After you review the NOTES, I will prepare a version of this draft that may be introduced.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3272/P1dn  
MDK:kjf:jf

November 16, 2011

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Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

## Kunkel, Mark

---

**From:** Rep.Krug  
**Sent:** Friday, December 30, 2011 3:15 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Draft review: LRB 11-3272/P1 Topic: Installation of adaptive driving equipment

No worries, the draft was fine....just checking in

Have a great New Years!!

Scott

-----Original Message-----

**From:** Kunkel, Mark  
**Sent:** Fri 12/30/2011 2:42 PM  
**To:** Rep.Krug  
**Subject:** FW: Draft review: LRB 11-3272/P1 Topic: Installation of adaptive driving equipment

Rep. Krug:

My apologies, but I did not receive your message about the draft. I take it that the draft is okay as is, and I should add an analysis so that you can introduce the bill. You should receive the introducible bill sometime next week.

Mark D. Kunkel  
Senior Legislative Attorney  
Legislative Reference Bureau  
(608) 266-0131

---

**From:** Rep.Krug  
**Sent:** Friday, December 30, 2011 11:40 AM  
**To:** LRB.Legal  
**Subject:** RE: Draft review: LRB 11-3272/P1 Topic: Installation of adaptive driving equipment

I sent back a message in regards to these notes, has that been received and is the draft ready? If the note was not received all suggested changes in the notes were fine.

Rep. Krug

---

**From:** LRB.Legal  
**Sent:** Wednesday, November 16, 2011 12:15 PM  
**To:** Rep.Krug  
**Subject:** Draft review: LRB 11-3272/P1 Topic: Installation of adaptive driving equipment

Following is the PDF version of draft LRB 11-3272/P1 and drafter's note.



**Parisi, Lori**

---

**From:** Rep.Krug

**Sent:** Friday, December 30, 2011 11:40 AM

**To:** LRB.Legal

**Subject:** RE: Draft review: LRB 11-3272/P1 Topic: Installation of adaptive driving equipment

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3272/1dn

MDK...

*Date*

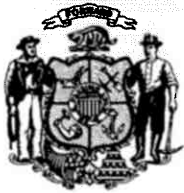
Rep. Krug:

This bill is identical to the previous version, except that it contains an analysis and I revised DATCP's rule-making authority.

The previous version required DATCP to promulgate rules defining the qualifications for a driver rehabilitation specialist, and those rules had to specify that a person certified by the Association for Driver Rehabilitation Specialists (ADRS) qualified as a driver rehabilitation specialist. 2011 Wisconsin Act 21 made various changes to the rule-making process that will probably increase the time required by an agency to promulgate rules. To eliminate any delay in implementing this bill, I revised DATCP's rule-making authority. As revised, the bill defines a driver rehabilitation specialist as an individual certified by ADRS, as well as any individual who satisfies qualifications specified by rule by DATCP. As a result, an individual certified by ADRS immediately qualifies as a driver rehabilitation specialist. Under the previous version, such an individual would not qualify until DATCP's rules went into effect.

If you need any changes to the bill, please let me know.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3272/P1  
MDK:kjf:jf

Stays

1

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

2011 BILL

IN 1-3  
INSERT A

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Rm  
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- 1 **AN ACT to create** 100.204 of the statutes; **relating to:** motor vehicle adaptive  
2 equipment for drivers with physical disabilities and granting rule-making  
3 authority.

***Analysis by the Legislative Reference Bureau***

~~This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.~~

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 4 **SECTION 1.** 100.204 of the statutes is created to read:

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6 section:

1 (a) "Adaptive equipment" means equipment that allows an individual with a  
2 physical disability to safely operate a motor vehicle.

3 (b) "Driver rehabilitation specialist" means <sup>or</sup> an individual who, as specified in  
4 rules promulgated by the department, is qualified to plan, develop, coordinate, and  
5 implement driver rehabilitation services for individuals with physical disabilities.

6 ~~The rules promulgated under this paragraph shall allow~~ an individual with an  
7 unexpired driver rehabilitation specialist certification issued by the Association for  
8 Driver Rehabilitation Specialists, or a successor organization, ~~to be considered a~~  
9 ~~driver rehabilitation specialist.~~

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a driver rehabilitation specialist. The rules must allow an individual certified as such by  
the Association for Driver Rehabilitation Specialists to qualify. Also, the above gives  
DATCP the discretion to specify other individuals who are qualified. Is that okay? ~~OK~~

10 (c) "Qualified instructor" has the meaning given in s. 343.07 (1c).

~~\*\*\*\*NOTE: Section 343.07 (1c) defines "qualified instructor" as "a person employed  
by a public school, private school, or tribal school, as defined in s. 115.001 (15m), holding  
an operator's license and meeting the teaching certification standards of the department  
of public instruction or the technical college system board to teach driver education; or  
an instructor of a school licensed under s. 343.61; or a teacher or student teacher in a  
driver education course for teachers conducted by an institution of higher education." Is  
that okay, or do you want the bill to refer only to a licensed driving instructor employed  
by a school licensed under s. 343.61? If so, the above should be revised to refer instead  
to an instructor licensed under s. 343.62.~~

11 (2) INSTALLATION OF ADAPTIVE EQUIPMENT. No person may install adaptive  
12 equipment in a motor vehicle in a manner that alters any original part or equipment  
13 in the motor vehicle as sold by the manufacturer unless the individual with a  
14 physical disability for whom the adaptive equipment is installed provides the person  
15 with all of the following:

16 (a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the  
17 individual's use of adaptive equipment.

\*\*\*\*NOTE: The above requires a physician to make a referral to the person who  
installs the adaptive equipment. Is that okay, or should the physician instead make the  
referral to the occupational or physical therapist who does the required evaluation? Also,

the above provides that the referral "authorizes" an individual's use of adaptive equipment. Is that okay, or is there a better way to describe what the referral is supposed to do?

\*\*\*\*NOTE: Section 448.01 (5) defines "physician" as "an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board."

1 (b) Written documentation that an occupational therapist or physical  
2 therapist, licensed under ch. 448, has recommended the adaptive equipment for the  
3 individual based on the therapist's evaluation of the individual's operation of a motor  
4 vehicle using mechanical, electronic, or computer equipment that is similar to the  
5 adaptive equipment that is recommended.

\*\*\*\*NOTE: The instructions refer to "high-tech" equipment. The above refers instead to electronic or computer equipment. Is that okay?

\*\*\*\*NOTE: The above requires an evaluation to be based on operation of a motor vehicle. Is that okay, or do you want to also allow an evaluation to be based on a driving simulator?

6 (3) ADAPTIVE EQUIPMENT TRAINING. No individual may provide an evaluation or  
7 training on the use of adaptive equipment unless the individual is a qualified  
8 instructor and a driver rehabilitation specialist and the individual satisfies one of  
9 the following:

10 (a) The individual is licensed as an occupational or physical therapist under ch.  
11 448.

12 (b) The individual works in health care under the direction of a physician,  
13 occupational therapist, or physical therapist, licensed under ch. 448.

\*\*\*\*NOTE: The instructions also provide that the bill would permit a certified occupational therapy assistant or a physical therapy assistant to complete behind the wheel training, reevaluations, and discharge visits. Is that accomplished under par. (b) above, or do you have something else in mind?

14

(END)

*D-Note*

**2011-2012 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3272/lins  
MDK:.....

1

**INSERT A:**

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment. The occupational or physical therapist's recommendation must be based on an evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended. In addition, the occupational or physical therapist must also be both a driver education instructor and a driver rehabilitation specialist. The bill defines a "driver rehabilitation specialist" as an individual certified by the Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).✓

The bill also prohibits any individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) or works in health care under the direction of a physician, occupational therapist, or physical therapist.

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding 6 months, or both.

SIX

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3272/1dn  
MDK:kjf:jm

January 9, 2012

Rep. Krug:

This bill is identical to the previous version, except that it contains an analysis and I revised DATCP's rule-making authority.

The previous version required DATCP to promulgate rules defining the qualifications for a driver rehabilitation specialist, and those rules had to specify that a person certified by the Association for Driver Rehabilitation Specialists (ADRS) qualified as a driver rehabilitation specialist. 2011 Wisconsin Act 21 made various changes to the rule-making process that will probably increase the time required by an agency to promulgate rules. To eliminate any delay in implementing this bill, I revised DATCP's rule-making authority. As revised, the bill defines a driver rehabilitation specialist as an individual certified by ADRS, as well as any individual who satisfies qualifications specified by rule by DATCP. As a result, an individual certified by ADRS immediately qualifies as a driver rehabilitation specialist. Under the previous version, such an individual would not qualify until DATCP's rules went into effect.

If you need any changes to the bill, please let me know.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
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State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3272/1  
MDK:kjf:jm

## 2011 BILL

1 AN ACT *to create* 100.204 of the statutes; **relating to:** motor vehicle adaptive  
2 equipment for drivers with physical disabilities and granting rule-making  
3 authority.

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### *Analysis by the Legislative Reference Bureau*

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment. The occupational or physical therapist's recommendation must be based on an evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended. In addition, the occupational or physical therapist must also be both a driver education instructor and a driver rehabilitation specialist. The bill defines a "driver rehabilitation specialist" as an individual certified by the Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill also prohibits any individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education



**BILL**

instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) works in health care under the direction of a physician, occupational therapist, or physical therapist.

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding six months, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 100.204 of the statutes is created to read:

2           **100.204 Motor vehicle adaptive equipment. (1) DEFINITIONS.** In this  
3 section:

4           (a) “Adaptive equipment” means equipment that allows an individual with a  
5 physical disability to safely operate a motor vehicle.

6           (b) “Driver rehabilitation specialist” means an individual with an unexpired  
7 driver rehabilitation specialist certification issued by the Association for Driver  
8 Rehabilitation Specialists, or a successor organization, or an individual who, as  
9 specified in rules promulgated by the department, is qualified to plan, develop,  
10 coordinate, and implement driver rehabilitation services for individuals with  
11 physical disabilities.

12           (c) “Qualified instructor” has the meaning given in s. 343.07 (1c).

13           **(2) INSTALLATION OF ADAPTIVE EQUIPMENT.** No person may install adaptive  
14 equipment in a motor vehicle in a manner that alters any original part or equipment  
15 in the motor vehicle as sold by the manufacturer unless the individual with a  
16 physical disability for whom the adaptive equipment is installed provides the person  
17 with all of the following:

## BILL

(a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the individual's use of adaptive equipment.

(b) Written documentation that an occupational therapist or physical therapist, licensed under ch. 448, has recommended the adaptive equipment for the individual based on the therapist's evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended.

**(3) ADAPTIVE EQUIPMENT TRAINING.** No individual may provide an evaluation or training on the use of adaptive equipment unless the individual is a qualified instructor and a driver rehabilitation specialist and the individual satisfies one of the following:

(a) The individual is licensed as an occupational or physical therapist under ch. 448.

(b) The individual works in health care under the direction of a physician, occupational therapist, or physical therapist, licensed under ch. 448.

**(END)**